



Iowa Department of Human Services

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Director

May 7, 2014

Date Complaint Received: 2/25/14
Complaint Received By: Chad Reckling, SW II
Provider Name and Location: Judi Wagoner 2119 Lucas St Muscatine IA 52761
<p>Complaint: 1. It was reported to the department that on 2/25/14 a meal fed to the children was observed. The substitute was observed serving the children Taquitos, (this would not be considered a creditable meal because there is not enough beef/chicken per required serving) Plain chips (which are not a creditable component to a meal) and carrot sticks. These were the only food items observed to be given to the children at this meal. The substitute needed to provide another additional protein item to meet the USDA Child and Adult Care Food Program.</p> <p>2. The children were observed to be sitting in the kitchen unattended while the provider was in the living room. The reporter feels that this is a safety issue given that the children were eating carrots (choking hazard) at the time.</p> <p>3. A baby was also observed to be in a carseat during the time the meal was observed. The baby was observed to be holding a bottle at the time.</p> <p>4. It was observed on 2/26/14 that there was a teenage female watching 10 children in the home. There appeared to be 8 children on the floor which appeared to be under the age of 4 and two infants (one in a car seat and one on the floor with the toddlers). Judi nor any other adult was present in the home.</p> <p>Rule basis:</p> <ul style="list-style-type: none">• IAC 110.5(1) Conditions in the home are safe, sanitary, and free of hazards.• IAC 110.5(7) Meals• IAC 110.5(7)Regular meals, midmorning snacks and mid-afternoon snacks are well balanced, nourishing, and appropriate amounts as defined by the USDA Child and Adult Care Food Program.• 110.5(9) The provider meets the following requirements:• 110.5(9)a Gives careful supervision at all times.• 110.5(9)d If absence is planned, care is provided by a DHS-approved substitute.
<p>Findings: 2/27/14 This worker went to the child development home of Judi Wagoner and confronted her with the allegations presented before the department. There were 5 daycare children present at the beginning of the visit and her approved substitute Angel.</p> <p>Angel admitted that Jessica (approved substitute) was there on 2/25/14 to help her put food plates together for the children and admitted that they should have had one more vegetable for the meal in order to be in compliance.</p> <p>Angel stated that there was a baby in their car seat in the living room that day because she was trying to get 3 other children's coats off first that had just came in prior to Denise arriving at the home. Angel also stated that the baby in the car seat was awake and was holding a pacifier and not a bottle as what was reported.</p>

Judi stated that Angel was busy in the living room that day trying to get coats off of children that had just arrived at the home while 2 four-year-old children were eating carrots in the kitchen. Angel was not aware that carrots were a choking hazard for that age of child. Judi stated that she was not present in the home that day but was coming home from her boyfriend's house and was on the road at the time. Angel reported that she worked for Judi that day from 7:00 – 4:00 pm and that this was the only day in February that she worked for her as a substitute.

This worker asked Judi about what was observed on 2/26/14. Judi stated that she was present in the home and Jenna her approved assistant was also there. She stated that she was in the bathroom taking a shower when the officer came by and yelled at Jenna to see if the detective needed a phone number for Jessica or Jessy who they were looking for. Reportedly the officer said no and left the house. Judi stated that she was in the bathroom and did not come out until after the detective had left the house. There was an infant in their car seat getting ready to be picked up by their mother (the mother will call a few minutes prior to getting to the house and they will run the child out to the car so the mother does not have to get her other child out of the car) and the other infant was in their infant swing.

This worker completed a full compliance visit of the home during the visit. Non-compliance items were noted. Please refer to completed checklist and letter in the file dated 3/3/14 for further information.

3/3/14 This worker left message for Detective Orr at Muscatine Police Department to contact this worker.

3/3/14 This worker received voicemail from Detective Orr stating that they would be willing to answer any questions this worker had for her involving incident at 2119 Lucas Street on 2/26/14.

3/3/14 This worker called back and spoke with Sgt. Orr. This worker asked her if there was anyone in the bathroom on the date and time in question yelling out to the female that was observed to be caring for the children in the living room. Sgt. Orr stated that there was no one in the bathroom yelling out and that the female present stated to her that Judi was not there and that she was just working for her during this time. The teenage female present had bright pink hair and was also there with a 12 or 13 year old African American female who was observed to be rocking an infant in their car seat. It was unknown whether this infant was asleep or not at the time. The other teenage female was observed to be holding an infant in their arms who was asleep. Sgt Orr stated that the children appeared to be relatively calm when she entered the home and when they started to get restless the teenage female caring for them told them to calm down and that it was quiet time now of which the children responded to.

5/7/14 This worker confirmed that Jenna has not been approved for involvement for Judi's daycare home by calling the central registration unit. They indicated that her criminal background checks have not been completed yet. Other assistant's that are currently approved for Judi's childcare operation include Angel Bierman, Tierra Bierman, Brittany Scheper, Kelsey Adaams, Jessica Crowe.

5/7/14 This worker confirmed in a phone conversation with Judi today that she would not have any assistants or substitutes for her daycare that would have been African-american and 12 or 13 years of age working for her.

Complaint #1 The provider's own substitute admitted that the person helping out with meals on the day in question did not add another vegetable to the meal to be in compliance with USDA Child Care Food Program guidelines. There is a preponderance of evidence that this complaint is true.

Complaint #2 The provider's substitute admitted that she was in the living room dealing with children that had just been dropped off to the daycare leaving no one to watch the children that were eating in the kitchen. Careful supervision standards were not being observed on this occasion. There is a preponderance of evidence that this complaint is true.

Complaint #3 There is not a preponderance of evidence to suggest that this daycare complaint is true.

Complaint #4 A sworn police officer stated that they observed two teenage females on 2/26/14 caring for 10 children and that no other adults were present in the home. Neither of these individuals observed by the police officer were approved to be acting as substitute or assistant care providers for Judi on this day and one of the females indicated that Judi was not present in the home. A preponderance of evidence exists to state that this daycare complaint is true.

Resolution: The Department relies on the honesty, integrity and commitment of the child care provider to provide for the safety, health and well-being of children. The department has determined that Judi Wagoner has provided false information to the department concerning the events of 2/26/14 and who was actually present in the home with the children. This concern does constitute that she does not meet minimum basic health, safety, and supervision requirements for a child development home for the fact that she would allow 2 teenage individuals who were not approved as assistants or substitutes to watch 10 children that were present in the home of which according to the officer's observation two children were infants needing a high level of supervision at all times and 8 children were under the age of 4 who would also require a high level of supervision by those in charge of them. Substitutes for daycare providers require mandatory training in child abuse reporting and first aid/cpr of which it is not known if these individuals possessed at the time they were watching these children. This created a dangerous situation in that rapid/correct response to an emergency in the daycare home (i.e. fire, tornado, medical health-related emergency) would have been impeded by the number of children present and the lack of training for those left in charge of the children. The department feels that dishonesty of a provider is not an item that can be given a time to correct as there is no measurable way to determine if a provider has come into compliance with this aspect of their personality. Therefore the department will be initiating revocation of Judi Wagoner's child development home registration.

If you have any questions regarding this matter feel free to contact me at (319) 208-5521 or creckli@dhs.state.ia.us.

Sincerely,

Chad Reckling, Social Worker II
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